

Center for *Children's* Advocacy

65 Elizabeth Street, Hartford, CT 06105

TESTIMONY OF THE CENTER FOR CHILDREN'S ADVOCACY IN SUPPORT OF RAISED BILL NO. 5432, AN ACT CONCERNING SCHOOL-BASED ARRESTS

March 12, 2012

This testimony is submitted on behalf of the Center for Children's Advocacy, a non-profit organization based at the University of Connecticut School of Law. The Center provides holistic legal services for poor children in Connecticut's communities through individual representation and systemic advocacy.

Through our TeamChild Juvenile Justice Program, the Center collaborates with the Hartford Juvenile Public Defender's Office and the Hartford Juvenile Probation Office. Our attorneys work to improve the child's juvenile justice outcome by securing needed services through community agencies or the school system. The Center's attorney represents the child on educational issues and access to mental health treatment, which may be at the root of the child's court involvement. Through our Disproportionate Minority Contact (DMC) Reduction Projects, the Center partners with the Local Interagency Service Teams (LISTs) in Hartford and Bridgeport, as well as our national partner, the Center for Children's Law and Policy, to develop strategies to reduce the disproportionate representation of youth of color in the juvenile justice system.

The Center submits this testimony in support of Raised Bill No. 5432, An Act Concerning School-Based Arrests, because **this bill will provide Connecticut communities with tools to reduce unnecessary and inappropriate school-based arrests by:**

1. Requiring the creation of formal written agreements detailing the roles and responsibilities of police officers stationed in schools, also known as school resource officers; and
2. Providing communities with easier access to better data about the number of school-based arrests in each school, specific to groups of students who are more likely to be arrested, through the well-known format of the strategic school profiles.

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Too many Connecticut children are arrested at school, often for low-level, non-violent offenses. Connecticut Judicial Branch data shows that almost 20% of referrals to juvenile court for delinquency charges from September 1, 2011 to February 27, 2012 were school-based arrests.¹ Many arrests at school occur for low-level, non-violent offenses, such as breach of peace or disorderly conduct. Judicial Branch data shows that 41% of school-based arrests that entered the juvenile court from September 1, 2011 to February 27, 2012 were either for breach of peace or disorderly conduct. **Very young children are being arrested at school, including children as young as 9 years old.**² Our office represents Andre,³ a nine-year old who was arrested at school for an argument with another student.

¹ The Connecticut Judicial Branch defines "school-based arrest" as an arrest that occurs on school property during the school day, so this number does not include arrests on school buses or at school-sponsored activities. This number also does not include arrests that resulted in referral to juvenile review boards, since those cases are not referred to court.

² Connecticut Judicial Branch data shows that 88 children age 12 or younger were referred to juvenile court for a school-based arrest from September 1, 2011 to February 27, 2012.

³ Child's name has been changed to protect his privacy.

Although Andre's charges were eventually dismissed, he was processed through the juvenile court and spent a weekend in detention due to this arrest.

Students of color are more likely to be arrested at school. According to State Department of Education data, during the 2010-2011 school year, **both African-American students and Hispanic students were arrested at school at twice the rate that would be expected from enrollment data.**⁴ Data reported by Connecticut school districts to the Office of Civil Rights of the federal Department of Education shows that this disproportionality exists both in small towns and large cities: school districts with fewer than 5,000 students still saw highly disproportionate rates of school-based arrests for youth of color, particularly African-American youth.⁵

In our work, we frequently see how children with disabilities are arrested in school for non-violent offenses that are manifestations of their disabilities or could be handled within the regular disciplinary system. One of our clients, diagnosed with bipolar disorder, was arrested at school for yelling at a security guard while disobeying the guard's order to stay within the school campus. Another client, a child with ADHD, was arrested for running down a hallway and screaming at school staff. For many of these clients, a school-based arrest is their first interaction with the juvenile justice system. Many of our clients report being traumatized by these school-based arrests and fearing going to school because they do not want to be arrested again.

Arresting children at school harms children and communities. Keeping children in school is crucial to improving their long-term opportunities. Students who feel connected to school are **less likely to use illegal substances, become pregnant, attempt suicide or engage in violent behavior.**⁶ **And formal processing through the juvenile justice system makes it more likely that a child will be involved in the adult criminal justice system in the future.** A 2010 study found that the very act of being labeled as a delinquent made it more likely that a child would have a criminal history as an adult.⁷ A 2009 study found that boys who had been involved in juvenile court were seven times more likely to have adult criminal records than boys with the same backgrounds and self-reported delinquent behavior but no juvenile court record.⁸

⁴ State Department of Education data for the 2009-2010 school year showed that African-American students were 14% of total statewide public school enrollment, but were 28% of students arrested at school; Hispanic students were 17% of total statewide enrollment, but were 35% of students arrested at school. State Department of Education data only includes arrests that resulted also in a suspension or expulsion. Although historical statewide data is not available, available data suggests that disproportionate school-based arrests of youth of color has persisted as a problem in Connecticut. An American Civil Liberties Union report on school-based arrests in the Hartford area which analyzed data from the 2005-2006 and 2006-2007 school years showed that children of color were significantly more likely to be arrested for the same offense as white children. AMERICAN CIVIL LIBERTIES UNION & AMERICAN CIVIL LIBERTIES UNION OF CT, *HARD LESSONS: SCHOOL RESOURCE OFFICER PROGRAMS AND SCHOOL-BASED ARRESTS IN THREE CONNECTICUT TOWNS* (2008), available at http://www.aclu.org/pdfs/racialjustice/hardlessons_november2008.pdf

⁵ Data available at: <http://ocrdata.ed.gov/DistrictSchoolSearch>.

⁶ Kathryn C. Monahan et al., *Predictors and Consequences of School Connectedness: The Case for Prevention*, 17 THE PREVENTION RESEARCHER 3, 3-6 (September 2010).

⁷ Anthony Petrosino et al., *Formal System Processing of Juveniles: Effects on Delinquency*, CAMPBELL SYSTEMATIC REVIEWS 2010:1, 36-37.

⁸ Uberto Gatti et al., *Introgenic Effect of Juvenile Justice*, 50 J. of Child Psychology and Psychiatry 991, 995 (2009).

Raised Bill No. 5432 gives communities tools to reduce inappropriate school-based arrests. First, Raised Bill No. 5432 would require the creation of formal written agreements detailing the roles and responsibilities of school resource officers. Similar agreements have been used nationally and in Connecticut to **reduce inappropriate arrests and provide youth with appropriate diversionary services.**⁹ Connecticut's Juvenile Justice Advisory Committee has already created a model Memorandum of Agreement that local communities can adapt to fit their needs.¹⁰

Second, **Raised Bill No. 5432 would provide communities with better data about the number of school-based arrests in each school,** specific to groups of students who are more likely to be arrested, through the well-known format of the strategic school profiles. The data provided by Raised Bill No. 5432 will help Connecticut communities create interventions to **keep kids in school and out of the juvenile justice system.** The absence of accurate information about school-based arrests makes it difficult for communities to implement informed policy decisions, including the use of diversionary and deescalation strategies and referral to community providers. Through our DMC Reduction Projects, we have seen how communities can reduce school-based arrests when provided accurate data regarding the rates of school-based arrests: during the current school year, Hartford, for example, has significantly reduced the rate of school-based arrests at two elementary schools that were among the highest locations of school-based arrests in the spring of 2011. Raised Bill No. 5432 will provide communities statewide with easy access to similar information to help design interventions to reduce school-based arrests.

For the foregoing reasons, the Center urges the committee to pass Raised Bill No. 5432. Thank you for your time and consideration.

Respectfully submitted,



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⁹ Justice Policy Institute, *Education Under Arrest: The Case Against Police in Schools* 29 (November 2011).

¹⁰ The Connecticut Juvenile Justice Advisory Committee model Memorandum of Agreement is available at: <http://www.ct.gov/opm/cwp/view.asp?a=2974&Q=471720>.

